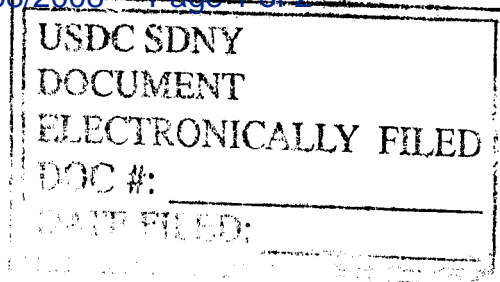


STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO  
Attorney General

Phone: 212-416-6035

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

December 27, 2007

**By Regular Mail**

Honorable William H. Pauley III  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

RECEIVED

Re: Prather v. Marshall,  
07 Civ. 08270 (WHP)

Dear Judge Pauley:

In this pro se inmate case dealing with religious dietary requirements of Muslim inmates, the purpose of this letter is to request that the initial court conference scheduled for January 18, 2008 (at 10:45) be held instead in late February, 2008.

The reason for this request is that defendants' initial responsive pleading is not due until very shortly before the January 18 date (January 15, 2008). Further, a defendant listed very vaguely by plaintiff as "Sgt." or "Mr. Kelly", is not identified as to location. There is no indication that this defendant has been served with process. The additional time can assist in having plaintiff clarify the identify and location of this person. Lastly, I am scheduled to be on trial before Judge Buchwald starting on January 16, 2008 and would prefer to cover the above-referenced appearance before your Honor. I am slated to be out of town in late January and early February.

In any event, Rule 26(f) is not applicable to this matter where plaintiff is a pro se inmate. F.R. Cv. Pr. 26(a)(1)(B)(iv).

Should the Court determine to proceed with the conference on January 18, Assistant Attorney General Steven Schulman would likely

December 27, 2007

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attend for defendants. We respectfully request that the Court advise as to whether plaintiff may participate in the conference by telephone, and whether we may participate by telephone as well.

Respectfully submitted,



LEE ALAN ADLERSTEIN  
Assistant Attorney General

cc. James Prather, pro se (by regular mail)

Application denied. Court for  
Defendants is directed to appear  
and to arrange for Plaintiff to  
participate by telephone.  
**SO ORDERED:**



WILLIAM H. PAULEY III U.S.D.J.

1/7/08